

Serial No.: 09/308,397  
Group Art Unit: 1655

**In the Claims:**

Please cancel claim 36 without prejudice or disclaimer of the subject matter contained therein and amend the claims as follows:

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25. (Amended) An isolated polynucleotide comprising a first polynucleotide sequence or the full complement of the entire length of the first polynucleotide sequence, wherein the first polynucleotide sequence is at least 95% identical to SEQ ID NO:1 ; and wherein the first polynucleotide sequence detects *Streptococcus pneumoniae*.

26. A vector comprising the isolated polynucleotide of claim 25.

27. An isolated host cell comprising the vector of claim 26.

28. The isolated polynucleotide of claim 25, wherein the first polynucleotide sequence is at least 97% identical to SEQ ID NO:1.

29. The isolated polynucleotide of claim 25, wherein the first polynucleotide sequence is at least 99% identical to SEQ ID NO:1.

30. An isolated polynucleotide comprising a first polynucleotide sequence or the full complement of the entire length of the first polynucleotide sequence, wherein the first polynucleotide sequence comprises SEQ ID NO:1.

31. A vector comprising the isolated polynucleotide of claim 30.

32. An isolated host cell comprising the vector of claim 31.

33. (Amended) A process for producing a polypeptide comprising [the step of] culturing the host cell of claim 32 under conditions sufficient for the production of the polypeptide, wherein the polypeptide is encoded by the first polynucleotide sequence.

C1  
cont

34. The isolated polynucleotide of claim 30 encoding a fusion polypeptide, wherein the first polynucleotide sequence encodes part of the fusion polypeptide.

35. An isolated polynucleotide comprising a first polynucleotide sequence or the full complement of the entire length of the first polynucleotide sequence, wherein the first polynucleotide sequence encodes the same polypeptide, expressed by the FabD gene in NCIMB Deposit No. 40794.

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C2

37. (Amended) An isolated polynucleotide comprising a first polynucleotide sequence or the full complement of the entire length of the first polynucleotide sequence, wherein the first polynucleotide sequence hybridizes to the full complement of SEQ ID NO:1, wherein the hybridization conditions include incubation at 42°C in a solution comprising: 50% formamide, 5x SSC (150mM NaCl, 15mM trisodium citrate), 50 mM sodium phosphate (pH7.6), 5x Denhardt's solution, 10% dextran sulfate, and 20 micrograms/ml denatured, sheared salmon sperm DNA, followed by washing in 0.1x SSC at 65°C; and, wherein the first polynucleotide sequence is at least 95% identical to SEQ ID NO:1 ; and wherein the first polynucleotide sequence detects *Streptococcus pneumoniae*.

38. The isolated polynucleotide of claim 37, wherein the first polynucleotide sequence is at least 97% identical to SEQ ID NO:1.

39. (Amended) An isolated polynucleotide comprising a first polynucleotide sequence [or the full complement of the entire length of the first polynucleotide sequence], wherein the first polynucleotide sequence encodes a polypeptide comprising SEQ ID NO:2.

40. A vector comprising the isolated polynucleotide of claim 39.

41. An isolated host cell comprising the vector of claim 40.

42. (Amended) A process for producing a polypeptide comprising [the step of] culturing the host cell of claim 41 under conditions sufficient for the production of the polypeptide, wherein the polypeptide is encoded by the first polynucleotide sequence.

43. The isolated polynucleotide of claim 39 encoding a fusion polypeptide, wherein the first polynucleotide sequence encodes part of the fusion polypeptide.

44. (Amended) An isolated polynucleotide comprising a first polynucleotide sequence [or the full complement of the entire length of the first polynucleotide sequence], wherein the first polynucleotide sequence encodes a polypeptide consisting of SEQ ID NO:2.

45. A vector comprising the isolated polynucleotide of claim 44.

46. An isolated host cell comprising the vector of claim 45.

47. (Amended) A process for producing a polypeptide comprising [the step of] culturing the host cell of claim 46 under conditions sufficient for the production of the polypeptide, wherein the polypeptide is encoded by the first polynucleotide sequence.

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